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09/729,704	12/06/2000	Barry Allen Thomas Brown	30990100US	7378

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EXAMINER
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HENN, TIMOTHY J

ART UNIT	PAPER NUMBER
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2612

DATE MAILED: 01/25/2005 .

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No. 09/729,704	Applicant(s) BROWN ET AL.	
	Examiner Timothy J Henn	Art Unit 2612	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 29 December 2004.
- 2a) ☒ This action is FINAL.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12 July 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Response to Arguments***

1. Applicant's arguments, see amendment, filed 29 December 2004, with respect to the rejection(s) of claim(s) 1-14 under USC §103(a) have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Fishbine et al. (US 5,467,403) in view of Wakabayashi et al. (US 5,903,706) in further view of Fujieda et al. (US 6,011,860).
2. The applicant argues that while the '332 patent specifically claims merging first and second sets of data into a third set of data while the instant application claims storing files in association with each other. However, it is noted that the instant application storing in association with each other which can include "merged" sets of data as claimed in the '332 patent. When two sets of data are merged into a third set as claimed the two sets of data are inherently "in association" each other, therefore the instant application is considered to be an obvious variant of the '332 patent.

### ***Claim Rejections - 35 USC § 103***

3. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
4. Claims 1, 4, 7 and 12-14 rejected under 35 U.S.C. 103(a) as being unpatentable over Fishbine et al. (US 5,467,403) in view of Wakabayashi et al. (US 5,903,706) in further view of Fujieda et al. (US 6,011,860).

**[claim 1]**

In regard to claim 1, note that Fishbine et al. discloses an image capture apparatus such that the apparatus comprises an electronic camera and scanner (Figure 7), wherein the electronic camera (Figure 7, Item 20) has an associated optical system (Figure 7, Item 60) and detector array for remote capturing of a first image (Figure 7, Item 62; Column 8, Lines 18-20) and wherein the scanner (Figure 7, Item 18) having an associated optical system (Figure 7, Item 70) and detector array for scan capturing a second image from a medium (Figure 7, Item 72; Column 6, Line 60 - Column 7, Line 13); and a memory arranged to store the first image and the second image (Column 2, Lines 33-38; Column 8, Lines 10-17). It can be seen that Fishbine et al. lacks a memory which stores the first image and the second image in association with each other.

However, the office notes that in the alternate embodiment in lieu of a transmitter to transmit both images, the two images are stored so that they can latter be transmitted. In such identification imaging systems it is well known in the art to store multiple identification images in association with each other to avoid mixing information about a persons appearance and their fingerprints (Official Notice). Therefore, It would have been obvious to one of ordinary skill in the art at the time the invention was made to store the digital camera image which represents a suspects appearance and the fingerprint scanner image which represents the suspects fingerprints in association with each other to avoid confusion caused by the mixing of appearance and fingerprint images of multiple suspects.

It can further be seen that Fishbine lacks a pivotal housing configured to enable a field of view of the electronic camera to be pivotal through a predetermined angle with respect to a remainder of the image capture apparatus. Wakabayashi discloses a camera with an optical system and a detector array disposed in a pivotal housing (Figure 3) which allows the user to freely set the imaging angle for the camera (Column 5, Lines 2-4). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to implement a pivotal housing as taught by Wakabayashi with the camera of Fishbine to allow the user to freely set the imaging angle of the camera.

However, Fishbine in view of Wakabayashi lacks a scanner which is a "swipe scanner" which is configured to move relative to a medium. Fujieda discloses a fingerprint scanner which "swipes" across a finger to be imaged (Figure 14). Fujieda discloses that this type of scanner is more economical than using an area image sensor fingerprint scanner (c. 10, ll. 19-44). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to use the scanner of Fujieda instead of the area scanner of Fishbine in view of Wakabayashi in order to create a more economical device.

**[claim 4]**

In regard to claim 4, note that Fishbine et al. further discloses a display (Figure 1, Item 26).

**[claim 7]**

In regard to claim 7, note that Fishbine et al. further discloses a data output arranged to output from the apparatus the first image and second image in association with each other (Column 2, Lines 33-38; Figure 1, Item 30).

**[claim 12]**

Claim 12 is a method claim corresponding to apparatus claim 1. Therefore, claim 12 is analyzed and rejected as previously discussed with respect to claim 1.

**[claim 13]**

In regard to claim 13, note that Wakabayashi discloses an image capture apparatus wherein the predetermined angle is more than 180 degrees (Figures 13-16).

**[claim 14]**

In regard to claim 13, note that Wakabayashi discloses an image capture apparatus wherein the pivotal housing is cylindrical which pivots about an axis.

5. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Fishbine et al. (US 5,467,403) in view of Wakabayashi et al. (US 5,903,706) in view of Fujieda et al. (US 6,011,860) in further view of the applicants admitted prior art.

**[claim 2]**

In regard to claim 2, note that Fishbine et al. in view of Wakabayashi in view of Fujieda discloses all limitations except for a color image sensor in the electronic camera and a grey-scale image sensor in the scanner. However, it is well known in the art to use color image sensors in electronic cameras to take full color photographs (Official Notice). Therefore, It would have been obvious to one of ordinary skill in the art at the

time the invention was made to use a color image sensor to take color photographs with the image capture apparatus of Fishbine et al. in view of Wakabayashi in view of Fujieda. It is further noted that the applicants admitted prior art teaches the use of grey-scale image sensors in scanning devices to reduce cost (Page 1, Line 30 - Page 2, Line 10). Therefore, It would have been obvious to one of ordinary skill in the art at the time the invention was made to use a grey-scale image sensor in the image capture apparatus of Fishbine et al. in view of Wakabayashi in view of Fujieda to reduce cost.

6. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Fishbine et al. (US 5,467,403) in view of Wakabayashi et al. (US 5,903,706) in view of Fujieda et al. (US 6,011,860) in view of the applicants admitted prior art as applied to claim 2 above, and in further view of Lafreniere (US 4,821,118).

**[claim 3]**

In regard to claim 3, note that Fishbine et al. in view of Wakabayashi in view of Fujieda in view of the applicants admitted prior art discloses all limitations except for a processor programmed for combining in registration the images with each other to form a composite image that combines in at least a portion of the composite colour from the first image with detail from the second image.

Lafreniere discloses a system which combines images of a persons palm and their appearance together into a single image (Figure 14, Item 132) using a video screen splitter (Figure 14, Items 128, 129) or "processor" which is then recorded for later viewing to confirm the persons identification (Column 1, Lines 6-11; Column 5,

Art Unit: 2612

Lines 9-59). Therefore, It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the picture of the persons appearance and the scan of their fingerprint into a single image as taught by Lafreniere so that it can later be recalled and the persons identification can conveniently be confirmed.

7. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Fishbine et al. (US 5,467,403) in view of Wakabayashi et al. (US 5,903,706) in view of Fujieda et al. (US 6,011,860) in view of Egawa (US 5,138,460).

**[claim 5]**

In regard to claim 5, note that Fishbine et al. in view of Wakabayashi in view of Fujieda teaches the use of capturing a scene (Column 2, Lines 35-56) with the camera portion of the disclosed image capture apparatus. It is also noted that incorporating a panoramic functionality (i.e. taking multiple pictures and combining them together into a single larger picture), which is well known in the art, allows a user to photograph larger scenes than would be possible if only a single picture were taken (Official Notice).

Therefore, It would have been obvious to one of ordinary skill in the art at the time the invention was made to include panoramic functionality in the camera portion of Fishbine et al. in view of Wakabayashi in view of Fujieda to take pictures of large scenes which would not be possible if only a single picture were taken. It can be seen that the panoramic image capture apparatus of Fishbine et al. in view of Wakabayashi in view of Fujieda teaches all limitations of claim 5 except for displaying a previously picked up image and a display of the image to be picked up (i.e. a live viewfinder) so that the user

can capture the images with a desired orientation with respect to each other when displayed on the display.

Egawa teaches a camera system which displays a previously captured image along with an image which is to be picked up in order to allow the user to match the positions and orientations of previously taken images the image which will be taken next (Figure 1; Column 1, Line 44 - Column 2, Line 18) to allow the photographer to smoothly connect images thereby ensuring high quality panoramic photographs. Therefore, It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide a display of an image to be taken (i.e. the first image) and a previously taken image (i.e. a previously taken second image) to allow the user to orient the camera to take images which properly correspond to each other when panoramic images of a scene with the camera portion of Fishbine et al. in view of Wakabayashi.

8. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Fishbine et al. (US 5,467,403) in view of Wakabayashi et al. (US 5,903,706) in view of Fujieda et al. (US 6,011,860) in view of Anderson et al. (US 6,097,431).

**[claim 6]**

In regard to claim 6, note that Fishbine et al. in view of Wakabayashi in view of Fujieda teaches all limitations except for displaying separately at the same time both the captured first and second images.

Anderson et al. discloses an image review system which displays a grid of previously taken images and allows the user to quickly review multiple images which

Art Unit: 2612

have been previously taken (Figure 8; Column 2, Lines 47-59). Therefore, It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide an image review grid as taught by Anderson with the image capture apparatus of Fishbine et al. in view of Wakabayashi in view of Fujieda to allow quick review of previously taken images.

9. Claims 8-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fishbine et al. (US 5,467,403) in view of Wakabayashi et al. (US 5,903,706) in view of Fujieda et al. (US 6,011,860) in view of the Abram et al. (US 6,462,778).

**[claim 8]**

In regard to claim 8, Fishbine et al. in view of Wakabayashi in view of Fujieda discloses all limitations except for the inputting of annotation data regarding the first or second image which is entered into the apparatus in association with the first and/or second image.

Abram et al. teaches the entering of image annotation data in the form of a filename to simplify the organization, indexing, sorting and retrieval of images (Column 1, Lines 18-30). Therefore, It would have been obvious to one of ordinary skill in the art at the time the invention was made to use the input system of Fishbine et al. (Fishbine et al. ; Column 3, Line 52 - Column 4, Line 22) in view of Wakabayashi in view of Fujieda to input image annotations as taught by Abram et al. to simplify the organization, indexing, sorting and retrieval of images.

**[claim 9]**

In regard to claim 9, note that Fishbine et al. discloses a pen-based interface or "electronic scribble pad" as a possible data input device (Column 4, Lines 12-15).

**[claim 10]**

In regard to claim 10, note that Fishbine et al. discloses a keypad interface (Column 3, Lines 52-60).

**[claim 11]**

In regard to claim 11, note that Fishbine et al. in view of Wakabayashi in view of Fujieda discloses all limitations except for an input device which is a microphone. However, Abram et al. discloses the use of a microphone to enter audio annotation data as an alternate embodiment (Column 4, Line 59 - Column 5, Line 17). Therefore, It would have been obvious to one of ordinary skill in the art at the time the invention was made to include a microphone in the system of Fishbine et al. in view of Wakabayashi in view of Fujieda to allow the entering of audio annotation data as taught by Abram et al.

***Double Patenting***

10. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and, *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

11. Claims 1, 4, 7, 12, 13 and 14 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claim 4 of U.S. Patent No. 6,633,332 in view of Wakabayashi et al. (US 5,903,706) in view of Fujieda et al. (US 6,011,860).

**[claim 1]**

In regard to claim 1 of the present application, note that both the present application and the '332 patent claim a digital camera ("a combined electronic camera and scanner" in claim 1 of the present application; "a conversion device configured to receive light" in claim 1 of the '332 patent) having an associated optical system ("the electronic camera having an associated optical system" in claim 1 of the present application; "a lens; a conversion device configured to receive light from said lens" in claim 1 of the '332 patent) and a scanner mechanism being configured to move relative to a medium ("a combined electronic camera and scanner" in claim 1 of the present application; "a scanning mechanism" in claim 1 of the '332 patent) which performs a scanning operation and stores the resulting image data (i.e. first set of data) with a picture (i.e. second set of data) taken by the digital camera portion in a memory in association with each other ("a memory arranged to store the first image and the second image in association with each other" in claim 1 of the present application; "a storage device; and a system controller configured to store said first set of digital data and said second set of digital data into said storage device" and "wherein said system

Art Unit: 2612

controller is further configured to merge said first and second sets of digital data into a third set of digital data" in claim 4 of the '332 patent). However, it is noted that the '332 patent does not claim an optical system for the scanning device as is claimed in claim 1 of the application.

The office notes that providing a scanning device such as the one claimed in the application and the '332 patent with an optical system is well known in the art to better focus the scanned document onto the scanning sensor (Official Notice). Therefore, It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide an optical system to better focus the scanned document on the scanning sensor of the '332 patent. It is further noted that the present application does not claim that the first and second sets of data are digital data, the function of scanning a document and a processing device to receive electrical signals from an image sensor and define the second set of digital data based on the electrical signals.

However, it is well known in the art to convert electrical signals readout from imaging devices, such as the electronic camera and the scanner of the present application into digital data using a processing device such as an analog-to-digital converter to allow storage in digital devices such as flash memory cards (Official Notice). Therefore, It would have been obvious to one of ordinary skill in the art at the time the invention was made to convert the image data of the present application to digital data using a processing device to store the data in flash memory or other such digital storage devices. It is also well known in the art to use scanning devices such as the scanner of present application to scan documents to allow digital storage of

Art Unit: 2612

documents which provides the well known advantage of taking up less storage space than maintaining analog copies of the documents (Official Notice). It would have been obvious to one of ordinary skill in the art at the time the invention was made to use the scanning mechanism of the present application to scan documents to allow digital storage of the documents to use less storage space.

It can further be seen the '322 patent lacks a pivotal housing configured to enable a field of view of the electronic camera to be pivotal through a predetermined angle with respect to a remainder of the image capture apparatus. Wakabayashi discloses a camera with an optical system and a detector array disposed in a pivotal housing (Figure 3) which allows the user to freely set the imaging angle for the camera (Column 5, Lines 2-4). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to implement a pivotal housing as taught by Wakabayashi with the camera of the '322 patent to allow the user to freely set the imaging angle of the camera. Therefore, it can be seen that the present application and the '332 patent are obvious variants of one another.

However, the '322 patent in view of Wakabayashi lacks a scanner which is a "swipe scanner". Fujieda discloses a fingerprint scanner which "swipes" across a finger to be imaged (Figure 14). Fujieda discloses that this type of scanner is more economical than using an area image sensor fingerprint scanner (c. 10, ll. 19-44). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to use the scanner of Fujieda instead of the area scanner of

Art Unit: 2612

Fishbine in view of Wakabayashi in order to create a more economical device.

**[claim 4]**

In regard to claim 4, note that the '332 in view of Wakabayashi patent claims all limitations except for a display for displaying one or both of the images. However, it is well known in the art to provide displays on image capture apparatus in order to provide the user with a review function to review previously taken images (Official Notice).

Therefore, It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide a display on the image capture apparatus of the '332 patent in view of Wakabayashi.

**[claim 7]**

In regard to claim 7, note that the '332 patent in view of Wakabayashi claims all limitations except for a data output arranged to output from the apparatus the first image and the second image in association with each other. However, it is well known in the art to include data output means such as a USB interface or wireless connection in image processing apparatus to output stored image signals to external systems such as personal computer systems for further processing (Official Notice). Therefore, It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide a data output on the image capturing device of the '332 patent in view of Wakabayashi to output the stored image signals to an external system for further processing.

**[claim 12]**

Claim 12 is a method claim corresponding to apparatus claim 1. Therefore, claim 12 is analyzed and rejected as previously discussed with respect to claim 1.

**[claim 13]**

In regard to claim 13, note that Wakabayashi discloses an image capture apparatus wherein the predetermined angle is more than 180 degrees (Figures 13-16).

**[claim 14]**

In regard to claim 13, note that Wakabayashi discloses an image capture apparatus wherein the pivotal housing is cylindrical which pivots about an axis.

12. Claims 2 and 3 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claim 4 of U.S. Patent No. 6,633,332 in view of Wakabayashi et al. (US 5,903,706) in view of Fujieda et al. (US 6,011,860) in view of the applicants admitted prior art.

**[claim 2]**

In regard to claim 2, note that the '332 patent in view of Wakabayashi in view of Fujieda claims all limitations except for a color image sensor in the electronic camera and a grey-scale image sensor in the scanner. However, it is well known in the art to use color image sensors in electronic cameras to take full color photographs (Official Notice). Therefore, It would have been obvious to one of ordinary skill in the art at the time the invention was made to use a color image sensor to take color photographs with the image capture apparatus of the '332 in view of Wakabayashi in view of Fujieda. It is further noted that the applicants admitted prior art teaches the use of grey-scale image

sensors in scanning devices to reduce cost (Page 1, Line 30 - Page 2, Line 10).

Therefore, It would have been obvious to one of ordinary skill in the art at the time the invention was made to use a grey-scale image sensor in the image capture apparatus of the '332 patent in view of Wakabayashi in view of Fujieda to reduce cost.

**[claim 3]**

In regard to claim 3 note that the '332 patent in view of Wakabayashi in view of Fujieda claims a processor for combining in registration the images with each other to form a composite image that combines in at least a portion of the composite image colour from the first image with detail from the second image ( "system controller further configured to merge said first and second sets of digital data into a third set of digital data" in claim 4 of the '332 patent).

13. Claim 5 is rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claim 4 of U.S. Patent No. 6,633,332 in view of Wakabayashi et al. (US 5,903,706) in view of Fujieda et al. (US 6,011,860) in view of Egawa (US 5,138,460).

**[claim 5]**

In regard to claim 5, note that the '332 patent in view of Wakabayashi in view of Fujieda claims all limitations except for displaying a previously picked up image and a display of the image to be picked up (i.e. a live viewfinder) so that the user can capture the images with a desired orientation with respect to each other when displayed on the display.

Egawa teaches a camera system which displays a previously captured image along with an image which is to be picked up in order to allow the user to match the positions and orientations of previously taken images the image which will be taken next (Figure 1; Column 1, Line 44 - Column 2, Line 18). Therefore, It would have been obvious to one of ordinary skill in the art at the time the invention was made to alter the system of the '332 patent in view of Wakabayashi in view of Fujieda to provide a display of an image to be taken and a previously taken image to allow the user to orient the camera to take images which properly correspond to each other.

14. Claim 6 is rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claim 4 of U.S. Patent No. 6,633,332 in view of Wakabayashi et al. (US 5,903,706) in view of Fujieda et al. (US 6,011,860) in view of Anderson et al. (US 6,097,431).

**[claim 6]**

In regard to claim 6, note that the '332 patent in view of Wakabayashi in view of Fujieda claims all limitations except for displaying separately at the same time both the captured first and second images.

Anderson et al. discloses an image review system which displays a grid of previously taken images and allows the user to quickly review multiple images which have been previously taken (Figure 8; Column 2, Lines 47-59). Therefore, It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide an image review grid as taught by Anderson with the image capture

apparatus of the '332 patent in view of Wakabayashi in view of Fujieda to allow quick review of previously taken images.

15. Claims 8-11 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claim 4 of U.S. Patent No. 6,633,332 in view of Wakabayashi et al. (US 5,903,706) in view of Fujieda et al. (US 6,011,860) in view of Abram et al. (US 6,462,778).

**[claim 8]**

In regard to claim 8, note that the '332 patent in view of Wakabayashi in view of Fujieda claims all limitations except for an input device for inputting annotation data regarding the first or second image which is entered into the apparatus in association with the first and/or second image.

Abram et al. teaches the entering of image annotation data in the form of a filename to simplify the organization, indexing, sorting and retrieval of images (Column 1, Lines 18-30). The office notes that the camera of Abram et al. must inherently include an input device to allow the user to "enter a descriptive name" (Column 1, Line 26). Therefore, It would have been obvious to one of ordinary skill in the art at the time the invention was made to use an input device to input image annotations as taught by Abram et al. to simplify the organization, indexing, sorting and retrieval of images.

**[claim 9]**

In regard to claim 9, note that the '332 patent in view of Wakabayashi in view of Fujieda in view of Abram et al. discloses all limitations except for an "electronic scribble

Art Unit: 2612

pad" input. However, it is well known in the art to use pen-based interfaces or "electronic scribble pads" as input devices because of their increased flexibility (Official Notice). Therefore, It would have been obvious to one of ordinary skill in the art at the time the invention was made to use a pen-based interface or "electronic scribble pad" as the input device to achieve a system with increased flexibility.

**[claim 10]**

In regard to claim 10, note that Abram et al. discloses an input device which is a keypad (Column 3, Lines 30-38).

**[claim 11]**

In regard to claim 11, note that Abram et la. discloses an input device which is a microphone (Column 4, Line 59 - Column 5, Line 17).

***Conclusion***

16. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

Art Unit: 2612

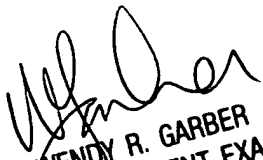
the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Timothy J Henn whose telephone number is (703) 305-8327 or (571) 272-7310 after February 28, 2005. The examiner can normally be reached on M-F 9:00 AM - 6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wendy R Garber can be reached on (703) 305-4929. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

TJH  
1/19/2005

  
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